

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KURT DAYTON GEHRING,

Civil Case No. 07-1686-AC

Petitioner,

O R D E R

v.

BRIAN BELLEQUE,

Respondent.

Thomas J. Hester
Assistant Federal Public Defender
101 SW Main Street, Suite 1700
Portland, Oregon 97204

Attorney for Petitioner

Jacqueline Sadker Kamins
State of Oregon
1162 Court Street, NE
Salem, Oregon 97301

Attorney for Respondent

KING, Judge:

The Honorable John V. Acosta, United States Magistrate Judge, filed Findings and Recommendation on February 9, 2010. Petitioner filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Acosta.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Acosta (#41) dated February 9, 2010 in its entirety.

IT IS HEREBY ORDERED that the Amended Petition for Writ of Habeas Corpus (#6) is denied and the case is dismissed.

DATED this 19th day of March, 2010.

/s/ Garr M. King

GARR M. KING
United States District Judge